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October 9, 2015

**VIA ELECTRONIC AND U.S. MAIL**

Ms. Caroline Kwan  
Remedial Project Manager  
Special Projects Branch  
Emergency and Remedial Response Division  
U.S. Environmental Protection Agency, Region 2  
290 Broadway, 20th Floor  
New York, New York 10007-1866

Re: Progress Report No. 51 – September 2015  
Newtown Creek Remedial Investigation/Feasibility Study

Dear Ms. Kwan:

Anchor QEA is submitting this monthly progress report (MPR) for the Newtown Creek Remedial Investigation/Feasibility Study (RI/FS) on behalf of the Newtown Creek Group (NCG) Respondents to the Administrative Settlement Agreement and Order on Consent (Settlement Agreement or AOC). As set forth in Section 42 of said Settlement Agreement, this progress report is divided into the following areas:

1. Actions taken to comply with the Settlement Agreement during the previous month
2. Results of sampling and tests and all other data received by Respondents to the Settlement Agreement during the previous month
3. Problems encountered and anticipated problems, actual or anticipated delays, and solutions developed and implemented to address actual or anticipated problems or delays
4. Work planned for the next 2 months with schedules relating to the overall project schedule for RI/FS completion

### ***1. Actions Taken to Comply with Settlement Agreement during Previous Month***

- A revised schedule for the series of USEPA-requested technical meetings to discuss data collected during the Phase 1 and Phase 2 field programs was submitted via e-mail to USEPA on September 1. On September 10, USEPA approved the schedule and topics for the presentations, except for one webinar date in November. Between September 10 and September 29, revised dates for the two November webinars were discussed and identified. On September 29, USEPA confirmed the discussed dates were approved and that the dates and topics have been finalized.
- Responses to comments and a revised *Phase 2 RI Field Program – QAPP/FSAP Deviation Memorandum No. 12* were submitted via e-mail to USEPA on September 2. USEPA approved the responses and revised memorandum on September 9.
- The revised *Phase 2 RI Field Program – QAPP/FSAP Deviation Memorandum No. 9* was submitted via e-mail to USEPA on September 8.
- Approval to develop a bioaccumulation model and direction to prepare and submit *Modeling Approach Memorandum No. 3* was provided via e-mail by USEPA on September 9.
- A meeting was held with USEPA in New York City on September 11. Topics discussed during this meeting included: 1) Phase 2 field program update; 2) point sources sampling update; and 3) submission of the draft *Baseline Human Health Risk Assessment – Recommended Fish and Crab Consumption Rates* report. In addition, presentations were given to discuss point sources- and risk assessment-related data sufficiency and usability.
- The draft Recommended Fish and Crab Consumption Rates report was submitted via e-mail to USEPA on September 11.
- Comments on the September 11 point sources presentation were provided via e-mail by USEPA On September 23. These comments focused on requests for additional point sources wet-weather sampling at specific locations and increasing the number of field crews used during sampling in an attempt to accelerate sample collection progress. The comments also formally extended the point sources field sampling program to November 30, 2015.
- Revised *Modeling Approach Memorandum No. 2* was submitted via e-mail to USEPA on September 25.

- The Phase 2 field investigation continued in September. Specifically, the following activities were performed:
  - Water quality sondes were cleaned/monitored (throughout September)
  - Point sources sampling
    - Wet-weather sampling event (September 10)
      - Whole-water and dissolved particulate sampling at Queens District 5/5a Garage (QDG002)
      - Whole-water sampling at Waste Management of NY/Steel Equities (WM001) and NCB-002
      - False starts occurred at NCB-083 (lack of discharge), NCB-637 (lack of discharge), Newtown Creek Water Pollution Control Plant (WPCP) influent (discharge could not be verified), and O-185 (insufficient discharge for sampling)
    - Dry-weather sampling event implemented at the Newtown Creek WPCP (September 24 and 25)
    - Wet-weather sampling event (September 29 and 30)
      - Whole-water sampling at NCB-083, NCQ-029, Review Avenue Development I, Newtown Creek WPCP influent, NCB-631, NCQ-632B, WM001, and Former Laurel Hill Site
      - Dissolved/particulate sampling at Newtown Creek WPCP
  - Surface water during point sources discharge sampling event (September 10 and 11)
- Phase 2 field program planning and implementation continued in September.

## ***2. Results of Sampling and Tests and Other Data Received by NCG Respondents during Previous Month***

- Quality control (QC) review of field data from point sources wet-weather sampling (Event 11), point sources dry-weather sampling (Event 7), and surface water during point sources discharges (Event 5) was completed. The field data for these events are included on the enclosed compact disc (CD) as part of this MPR.

- The fourth set of Phase 2 electronic data deliverables (EDDs) was provided to USEPA on September 30 and are included again on CD as part of this MPR. These EDDs included the following datasets:
  - East River surface water sampling (January through March 2015)
  - Surface water during point sources discharges sampling Events 2 (March 2015) and 3 (April 2015)
  - Point sources dry-weather sampling Events 2 (May 7, 2015), 3 (May 14, 2015), and 4 (May 28, 2015)
  - Point sources wet-weather sampling Events 4 (March 14, 2015), 5 (April 20, 2015), 6 (June 14 and 15, 2015), 7 (June 21, 2015), and 8 (June 27 and 28, 2015)
  - Sediment trap sampling Events 7 (January 2015), 8 (February 2015), and 9 (March 2015)

***3. Encountered and Anticipated Problems and/or Delays and Solutions Developed and Implemented to Address Them***

- The NCG has repeatedly requested information from the City of New York that is needed to complete the RI/FS. An updated listing of these requests is provided as an attachment to this MPR.

***4. Work Planned for the Next 2 Months with Schedules Relating to the Overall Project Schedule for RI/FS Completion***

- RI data presentations with USEPA are scheduled for October 1 (Background, Nonaqueous Phase Liquid [NAPL]), October 22 (Air, Shoreline Erosion, Ebullition, Surface Water), November 5 (Sediments, Geochronology) and November 16 (Baseline).
- A project update meeting with USEPA is scheduled for October 22 in New York.
- The draft *Baseline Human Health Risk Assessment* is planned for submission on November 2.
- Continue the Phase 2 field investigation in October, including the following:
  - Continuous water quality measurements from in-creek sondes

- Point sources sampling of combined sewer overflows (CSOs) where access may be limited due to bending weir construction (i.e., NCQ-077 and NCB-015) will be prioritized over other locations.

If you have any questions regarding this progress report, please do not hesitate to contact me at (201) 571-0912 (e-mail: [jquadrini@anchoragea.com](mailto:jquadrini@anchoragea.com)).

Sincerely,

A handwritten signature in black ink, appearing to read "Jim Quadrini", with a stylized flourish at the end.

Jim Quadrini, P.E., BCEE

Anchor QEA, LLC

#### Attachments

- CD containing field data and validated Phase 2 chemistry data
- An updated New York City Data Request listing

cc: Joseph Battipaglia, USEPA Region 2 Co-Remedial Project Manager  
Michael Mintzer, USEPA Region 2 Assistant Regional Counsel  
Ian Beilby, NYSDEC, Division of Environmental Remediation  
W. David Bridgers, Common Counsel for Newtown Creek Group Respondents  
Edward Leonard, CDM Smith

New York City Data Request

Item No.	Date Requested	Information Needed	Information Type (Data, Document, Model)	Status as of 10/9/2015	Reason for Request
1	9/10/2012 <sup>1</sup>	Data from monitored/telemetered combined sewer infrastructure that discharges to Newtown Creek, including NCB-015	Data	<b>Not Provided.</b> NYC indicated that they would provide analysis and data from 12 months of data collection (April 1, 2014 to March 31, 2015) on August 15, 2015 and that other data from previous years would be provided at that time as well.  NYC provided an update on July 10, and as a follow up to that call NCG reiterated their request for the following data:  1. Raw CSO flow metering data 2. Processed (“triangulated”) flow metering data used to re-calibrate the PS model a. Any additional data (besides raw flow metering data) used to generate the “triangulated” data 3. Detailed description of method used to generate the “triangulated” data 4. Updated geo-neutral PS model a. Detailed description of: i. Re-calibration procedure and results ii. Changes made to the geo-neutral model as a result of the re-calibration process b. Revised input and output files	This information is required to evaluate combined sewer discharges to the creek and support the modeling effort.
5	9/10/2012 <sup>1</sup>	a. Available CSO/SSO flow monitoring data, along with data used in the modeling for the Long-term Control Plan (including flow data for BB-026 and any additional locations that discharge to Newtown Creek that are available) b. A status update on NYC CSO flow metering program and a detailed schedule for completion of activities and transfer of data	Data		This information is required for model calibration—flow data will be used in conjunction with other variables to evaluate hydro model performance. Flow data will also be used to inform the sampling effort and approach.
21	2/19/2015	Records related to groundwater seepage or withdrawals in the Newtown Creek Watershed associated with New York City infrastructure; categories include the following: – Dewatering of the subway system – Groundwater seepage into CSOs – Other groundwater dewatering	Data Document	<b>Partially Provided.</b> NYCDEP provided responses regarding subway and building/utility dewatering and industrial water supply; however, they indicated that they will provide other updates at a later date. Information about groundwater seepage into CSOs is still outstanding.	This information is required to support the groundwater evaluation.
22	8/20/2015	A copy of the July 1 Flow Meter presentation that was presented by NYCDEP to USEPA and the NCG.	Document	<b>Not Provided.</b> NYCDEP has not responded to this request.	See request Nos. 1 and 5.

Notes:

1 = In some cases, the request has been updated to be more specific or include more recent information that became available since the previous request.

BB = Bowery Bay

CSO = combined sewer overflow

NCB = Newtown Creek Brooklyn

NCG = Newtown Creek Group

NYC = New York City

NYCDEP or DEP = New York City Department of Environmental Protection

SSO = sanitary sewer overflow

USEPA = U.S. Environmental Protection Agency